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LELI 3442
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Jefferson YS Yang

Art Unit 1745

Serial No.: 09/972,606

Filed: October 5, 2001

Title: DIAPHRAGM PUMP AND ANODE STREAM RECIRCULATION SYSTEM
USING SUCH PUMP FOR A FUEL CELL

Confirmation No: 4594

November 14, 2001

Assistant Commissioner for Patents

Washington, D.C. 20231

ATTN: Licensing and Review

PETITION FOR RETROACTIVE LICENSE UNDER 37 C.F.R. §5.25

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SIR:

1. **Petition**

It is respectfully requested that this petition for license for foreign filing attached hereto be granted retroactively under the provisions of 37 C.F.R. §5.25.

2. **Previous Licenses**

- * Attached as Exhibit A is a copy of the filing receipt license issued on this invention after the export of the application to a foreign country.

3. **Material Filed Abroad Without a License**

- * Attached as Exhibit B is a copy of the material that was
- * filed abroad without a license for foreign filing. Attached as Exhibit C is an English translation of such material.

4. Identification of Inventors, Title of Invention, and Details of Corresponding U.S. Application

Names and Citizenships of Inventors:

Jefferson YS Yang - USA

Title of Invention: Diaphragm Pump and Anode Stream

Recirculation System Using Such Pump for
a Fuel Cell

In re Utility Application of Jefferson YS Yang

App. No.: 09/972,606

Filed: October 5, 2001

Confirmation No: 4594

Group Art Unit: 1745

5. Foreign Countries and Dates of Filing of Material For Which Retroactive License is Requested

With respect to the material for which a retroactive license is requested, each foreign country in which the patent application material was filed and the date it was filed is as follows:

<u>Foreign Country</u>	<u>Application No.</u>	<u>Date Filed</u>
Taiwan, R.O.C.	090120011	August 15, 2001
People's Republic of China, P.R.C.	01124277.9	August 23, 2001

6. Verified Statements

* Also attached hereto are declarations from a representative of Applicant's patent attorneys in Taiwan (Exhibit D) and of Applicant (Exhibit E), in accordance with 37 C.F.R.

§5.25(a)(3)(i)-(iii), which,

- (a) aver that the subject matter in question was not under a secrecy order at the time it was filed abroad, and that it is not currently under a secrecy order;

- (b) show that the retroactive license is being diligently sought after discovery of the proscribed foreign filing; and
- (c) explain why the material was filed abroad through error and without deceptive intent without the required license under §5.11 first having been obtained.

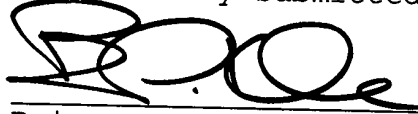
7. Fee

* Also enclosed is a check in the amount of \$130.00 pursuant to 37 C.F.R. §1.17(h) for filing this petition for a retroactive license.

The Commissioner is hereby authorized to charge any under payment or credit any over payment to Deposit Account No. 19-1345, in the name of Senniger, Powers, Leavitt & Roedel.

Please contact the undersigned if there are any questions concerning this petition.

Respectfully submitted,



Brian P. Klein, Reg. No. 44,837
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* Enclosures